

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

PAUL NARKIN	§	
	§	
V.	§	CIVIL ACTION NO. G-06-449
	§	
SEAN MICHAEL REAGAN, ET AL.	§	

OPINION AND ORDER

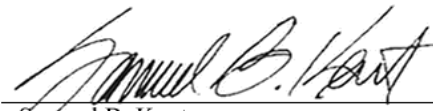
Before the Court is an Application to Proceed In Forma Pauperis filed by the Plaintiff, Paul Narkin, pro se.

On July 12, 2006, Narkin filed suit against Air France, a French corporation, Sean Michael Reagan and his law firm in Houston, Texas, and Penny L. Pope, a Justice of the Peace of Galveston County, Texas. The suit concerns a flight delay of thirty hours at an airport in Dohar, Qatar, which, Narkin alleges endangered his life. As a basis for federal jurisdiction Narkin asserts diversity of citizenship, however, diversity jurisdiction does not exist in this case. The basic requirement in diversity cases is that **all** Plaintiffs be of different citizenship than **all** Defendants. Any instance of common citizenship prevents diversity jurisdiction. Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806) In the instant case Narkin, a resident of Texas, has sued, *inter alios*, three Defendants who are also Texas residents; therefore, there is no basis for federal diversity jurisdiction. Accordingly, it would be a waste of judicial resources to allow Narkin to proceed in this case at government expense.

It is, therefore, **ORDERED** that the Application to Proceed In Forma Pauperis (Instrument No. 2) of Plaintiff, Paul Narkin, is **DENIED**.

If Narkin insists on trying to purse this lawsuit in federal court he must pay the **\$350.00** filing fee by **August 11, 2006**, or his complaint will be dismissed, without prejudice to filing in a proper Court, for want of prosecution.

DONE at Galveston, Texas, this 1st day of August, 2006.



Samuel B. Kent
United States District Judge